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SUBJECT: AMBASSADOR MEETS WITH GUATEMALAN HUMAN RIGHTS  
ACTIVISTS

REF: A. GUATEMALA 2985

1B. GUATEMALA 2804

1C. GUATEMALA 2845

1. (U) Summary: The Ambassador met on December 14 with Guatemala's Human Rights Coalition Against Clandestine Structures (CDHCEC, formerly known as "Coalition for CICIACS") to discuss the general human rights situation. The CDHCEC harshly criticized what they viewed as the low priority the Berger Administration gives human rights issues. On CICIACS, they argued that the GOG should have pushed the original agreement forward despite two negative Congressional Committee reports and the Constitutional Court's ruling against it. On the UN High Commissioner for Human Rights (OHCHR) office, they were encouraged (albeit skeptical) to hear that the GOG was close to signing an agreement. End Summary.

General Perspective on the GOG

2. (U) On December 14, Helen Mack (Myrna Mack Foundation), Iduvina Hernandez (Security and Democracy), and Orlando Blanco (COS) told the Ambassador, the DCM, and poloffs they believed that, in the first year of the Berger administration, the GOG had focused its efforts on prosecuting corruption cases of former government officials to the exclusion of other important topics (i.e., human rights). The leaders claimed that prosecutors were employing a double standard. They claimed the prosecutors in the Peten had arrested ten peasant leaders and charged them with terrorism for their roles in leading social protests. Fourteen leaders of demonstrations by former paramilitary ("ex-Pacs"), however, had only been charged with disrupting public order -- and only one of them had been arrested. The Ambassador requested details on the cases of those arrested in the Peten, and the CDHCEC leaders agreed to provide the information, so the Ambassador could raise the alleged double standard with Chief prosecutor Juan Luis Florido. (Comment: When poloff tried to obtain this information from CDHCEC members the following day, she was told the information was not yet ready.)

CICIACS

3. (U) Mack reviewed the CDHCEC's concerns that Vice President Edward Stein's recent letter to the UN SYG on CICIACS had dropped any references to a mandate for CICIACS to investigate attacks against human rights defenders. If CICIACS was going to focus exclusively on organized crime and no longer had an explicit human rights angle in its mandate, then CDHCEC members saw no reason to continue lobbying for the initiative themselves. They complained bitterly that the GOG was not doing enough to investigate anonymous threats made against human rights defenders. The Ambassador noted the difficulty of investigating threats even under the best of circumstances, and they acknowledged that impunity was a widespread problem, with the government unable to make inroads on all sorts of crime. The Ambassador noted that Stein's letter may have omitted an explicit reference to human rights in deference to the Constitutional Court's ruling that CICIACS was not a human rights agreement. The Ambassador noted that CICIACS, if successful in prosecuting and dismantling organized crime, would undeniably have positive human rights implications and therefore merited the active support of the human rights community.

4. (U) When the Ambassador asked what additional actions the CDHCEC thought the GOG could or should have taken to push forward CICIACS following the Constitutional Court's August ruling, Mack said the Court's ruling was not binding and the GOG could have maintained and defended the original CICIACS agreement. The Ambassador reminded Mack that, in the immediate aftermath of the Court decision, she and her coalition had privately acknowledged that the original CICIACS proposal was legally and politically unviable.

OHCHR

5. (U) The CDHCEC conveyed frustration with the GOG's delay

in renegotiating its agreement with the UN High Commissioner for Human Rights to open an office in Guatemala. They were encouraged (albeit skeptical) to hear from the Ambassador that the GOG and OHCHR had drawn very close to agreement on a new text. Mack said she believed the OHCHR could play a key role in lobbying for implementation of GOG commitments in the UN Convention Against Transnational Organized Crime (ratified by Guatemala in April 2004).

#### The CC motion against the Ex-Pac Payments

16. (U) On December 8, the Constitutional Court issued another provisional decision suspending payments to the ex-Pacs (Ref B), based on the injunction filed by human rights activists. The Ambassador asked Mack, Hernandez, and Blanco about their security, as the ex-Pacs have threatened those who have opposed the payments. They said that the GOG had provided 1-2 police officers to protect their offices during business hours. Ex-Pac leaders had visited several of the organizations. CDHCEC members met with the ex-Pacs and explained their reasons for opposing payments to the ex-Pacs for their paramilitary service during Guatemala's internal armed conflict. At the end of these meetings, however, the ex-Pac leaders threatened the CDHCEC members, noting that "they could not be responsible for what happened to them" if they continued to oppose the payoffs.

#### TIP & Article 98

17. (U) The Ambassador enlisted the collaboration of the CDHCEC groups in lobbying for improved legislation on TIP (Ref C). According to Mack, they had supported existing proposals for TIP, as well as improved legislation on international adoptions. Mack asked if the Embassy would encourage the GOG to send the Rome Statute to Congress and lobby for its ratification. The Ambassador explained that we were not in a position to do since we ourselves had serious objections to ICC jurisdiction and withdrew our signature from the Rome Statute. He reviewed our efforts to reach Article 98 agreements with countries all over the world.

#### Comment

18. (SBU) The CDHCEC members are frustrated by their lack of access to the GOG. Mack noted that Presidential Human Rights Commissioner Frank LaRue had not returned several of her phone calls. Far from pandering to the human rights community, the beleaguered Berger administration had not even met with the CDHCEC or the office of the Human Rights Ombudsman (PDH) about CICIACS (or the OHCHR) to consult on CICIACS strategy following the Constitutional Court's decision in August. That may change -- after this meeting with CDHCEC, the Ambassador encouraged VP Stein and LaRue to reach out to them, and we understand a reunion is in the works.

19. (SBU) As Orlando Blanco was leaving the Embassy, he apologized to the DCM for the CDHCEC presentation being so "negative" but attributed it to "frustration." The Berger Administration's honeymoon is certainly long over for the human rights groups. However, their criticism of the Berger team was distinct from that made against the previous administration. They criticize the present government for not being sufficiently proactive on human rights issues. They made no allegations, however, as they had against the Portillo kleptocracy, that senior members of the current Cabinet are linked to the "clandestine groups" that they are dedicating to combating.

HAMILTON